

<b>FORM PTO-1449</b>  <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> NET-P01-2286.01	<b>SERIAL NO.</b> 10/771,613
	<b>APPLICANT</b> Stager et al.	
	<b>FILING DATE</b> February 4, 2004	<b>GROUP</b> 2114

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,635,145	01/1987	Horie et al.			
		4,775,969	10/1988	Osterlund			
		5,438,674	08/1995	Keele et al.			
		5,455,926	10/1995	Keele et al.			
		5,666,538	09/1997	DeNicola			
		5,673,382	09/1997	Cannon et al.			
		5,774,292	06/1998	Georgiou et al.			
		5,774,715	06/1998	Madany et al.			
		5,805,864	09/1998	Carlson et al.			
		5,809,511	09/1998	Peake			
		5,809,543	09/1998	Byers et al.			
		5,854,720	12/1998	Shrinkle et al.			
		5,872,669	02/1999	Morehouse et al.			
		5,911,779	06/1999	Stallmo et al.			
		5,949,970	09/1999	Sipple et al.			
		5,961,613	10/1999	DeNicola			
		5,963,971	10/1999	Foster et al.			
		6,021,408	02/2000	Ledain et al.			
		6,023,709	02/2000	Anglin et al.			
		6,029,179	02/2000	Kishi			
		6,041,329	03/2000	Kishi			
		6,044,442	03/2000	Jesionowski			
		6,049,848	04/2000	Yates et al.			
		6,061,309	05/2000	Gallo et al.			
		6,070,224	05/2000	LeCrone et al.			
		6,098,148	08/2000	Carlson			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	6,128,698	10/2000	Georgis				
	6,131,142	10/2000	Kamo et al.				
	6,163,856	12/2000	Dion et al.				
	6,173,359	01/2001	Carlson et al.				
	6,195,730	02/2001	West				
	6,225,709	05/2001	Nakajima, Hiroshi				
	6,247,096	06/2001	Fisher et al.				
	6,260,110	07/2001	LeCrone et al.				
	6,266,784	07/2001	Hsiao et al.				
	6,269,423	07/2001	Kishi				
	6,269,431	07/2001	Dunham				
	6,282,609	08/2001	Carlson				
	6,289,425	09/2001	Blendermann et al.				
	6,304,880	10/2001	Kishi				
	6,317,814	11/2001	Blendermann et al.				
	6,324,497	11/2001	Yates et al.				
	6,327,418	12/2001	Barton				
	6,336,163	01/2002	Brewer et al.				
	6,336,173	01/2002	Day et al.				
	6,339,778	01/2002	Kishi				
	6,341,329	01/2002	LeCrone et al.				
	6,343,342	01/2002	Carlson				
	6,353,837	03/2002	Blumenau				
	6,360,232	03/2002	Brewer et al.				
	6,389,503	05/2002	Georgis et al.				
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		6,408,359	06/2002	Ito et al.			
		6,487,561	11/2002	Ofek et al.			
		6,499,026	12/2002	Rivette et al.			
	*	6,557,073	04/2003	Fujiwara			
		6,557,089	04/2003	Reed et al.			
		6,725,331	04/2004	Kedem, Ishay			
		6,779,057	08/2004	Masters, et al.			
		6,779,058	08/2004	Kishi et al.			
		6,779,081	08/2004	Arakawa et al.			
		6,816,941	11/2004	Carlson et al.			
		6,816,942	11/2004	Okada et al.			
		6,931,557	08/2005	Togawa, Yoshifusa			
		6,950,263	09/2005	Suzuki et al.			
	*	6,973,534	12/2005	Dawson			
	*	6,978,325	12/2005	Gibble			
		7,032,126	04/2006	Zalewski et al.			
		2002/0016827	02/2002	McCabe et al.			
		2002/0026595	02/2002	Saitou et al.			
		2002/0144057	10/2002	Li et al.			
		2002/0166079	11/2002	Ulrich et al.			
		2003/0004980	01/2003	Kishi et al.			
		2003/0037211	02/2003	Winokur			
		2003/0120676	06/2003	Holavanahalli et al.			
	*	2003/0182350	09/2003	Dewey			
		2003/0188208	10/2003	Fung, Henry T.			
		2004/0015731	01/2004	Chu et al.			
		2004/0181707	09/2004	Fujibayashi, Akira			
		2005/0010529	01/2005	Zalewski et al.			
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U.S. PATENT DOCUMENTS							
		2005/0063374	03/2005	Rowan et al.			
		2005/0065962	03/2005	Rowan et al.			
		2005/0066118	03/2005	Perry et al.			
		2005/0066222	03/2005	Rowan et al.			
		2005/0066225	03/2005	Rowan et al.			
		2005/0076261	04/2005	Rowan et al.			
		2005/0076262	04/2005	Rowan et al.			
		2005/0076264	03/2005	Rowan et al.			
		2006/0047895	03/2006	Rowan et al.			
		2006/0047902	03/2006	Passerini, Ron			
		2006/0047903	03/2006	Passerini, Ron			
		2006/0047925	03/2006	Passerini, Ron			
		2006/0047989	03/2006	Delgado et al.			
		2006/0047998	03/2006	Darcy, Jeff			
		2006/0047999	03/2006	Passerini et al.			

  

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		EP 1 671 231	06/2006	Rowan et al.				
		WO2005/031576	04/2005	Rowan et al.				
		WO2006/023990	03/2006	Perry, Robert				
		WO2006/023991	03/2006	Rowan et al.				
		WO2006/023992	03/2006	Passerini, Ron				
		WO2006/023993	03/2006	Rowan et al.				
		WO2006/023994	03/2006	Rowan et al.				
		WO2006/023995	03/2006	Perry, Robert				

  

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<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>			
		"Alacritus Software's Securitus I: Pointing the Way to Virtual Tape Libraries" Aberdeen Group, Inc., March 2002.	
		"Continuous Data Protection: Business Continuity for the Era of Networked Storage: An Executive White Paper" Aberdeen Group, Inc., July 2003.	
		"Alacritus Software's Chronospan: Make Time for Continuous Data Protection" Aberdeen Group, Inc., October 2003.	
		Hill, David "Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries" Aberdeen Group, Inc., July 2003.	
		"Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries" Aberdeen Group, Inc., July 2003.	
		"Product Brief: Rhapsody/Alacritus-Secritus/XPath Virtual Tape in the Fabric" The Enterprise Storage Group, August 2002.	
		"Alacritus Software Announces Securitus I, The Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., June 25, 2001.	
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library Appliance: Industry's First Virtual Tape Library Appliance to Replace Storage Tape Libraries" Alacritus Software, Inc., June 25, 2001.	
		"Hitachi CP, Nissho, and Alacritus Software Bring Virtual Tape Library Appliance Solution to Market: Three Companies Join to Deliver VTLA Smart Guard – A Disk Subsystem Product that Functions as a Virtual Storage Tape Library" Alacritus Software, Inc., October 3, 2001.	
		Trimmer, Don, "Tape Free Backup/Recovery: Requirements and Advantages: Virtualization Technology Will Encompass Many Applications, One of the Most Significant Possibly Being Backup/Recovery" InfoStor, March 2002.	
		"Alacritus Software Announces Virtual Tape Library Support for Legato NetWorker Data Protection Solution" Alacritus Software, Inc., January 8, 2002.	

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		Camphuisen, Alicia, "Hitachi Inks OEM Deal with Legato" Knapp Comm., July 17, 2002.	
		"Alacritus Announces Disk-Based Successor to Tape" Knapp Comm., August 21, 2002.	
		Biggar, Heidi, "Alacritus Enables Disk-Based Backup" InfoStor, September 2001.	
		"Securitus I White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Software, Inc., July 2001.	
		"Alacritus Software FAQs" Alacritus Software, Inc., July 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., July 2001.	
		"Virtual Tape Library Technology Brochure" Alacritus Software, Inc., July 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., September 2001.	
		"Disk-Based Data Protection" Alacritus Software, Inc., September 2002.	
		Payack, Paul JJ, "Alacritus Lines Up OEM Partners for Virtual Tape Library Push" The (451) Storage & Systems, October 4, 2002.	
		Payack, Paul JJ, "Alacritus Software Announces Continuous Data Protection with New Chronospan Technology" October 28, 2003.	

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		Payack, Paul JJ, "Alacritus Software Announces New Customers for Securitus VTLA" Alacritus Software, January 13, 2004.	
		Baltazar, Henry "Weaving Apps Into SAN Fabric" eWEEK, March 24, 2003.	
		Baltazar, Henry "More Intelligence is on the Way" eWEEK, September 15, 2003.	
		Barrett, Alex "The Case for Network Smarts" Storage Magazine, June 2003.	
		"Securitus White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Website, October 2003.	
		"Manageability: Securitus v. Tape" Alacritus Website, October 2003.	
		"The SNIA Data Management Forum Created to Tackle Data Protection and Information Lifecycle Management Issues: Enhanced Backup Solutions Initiative Rolls Efforts into New SNIA Forum" Storage Networking Industry Association, October 13, 2003.	
		"No Changes Required: Securitus v. Tape" Alacritus Website, October 2003.	
		"Customer Success" Alacritus Website, October 2003.	
		"Chronospan" Alacritus Website, October 2003.	
		"Alacritus Software Announces Securitus I, the Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., April 9, 2002.	

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		Biggar, Heidi, "Disk and Tape Forge New Partnership in Backup Arena" InfoStor, November 2001.	
		Preston, W. Curtis, "Surprise! Cheap Disks Cure Slow Backup" Storage Magazine, June 1, 2002.	
		"Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library" internetnews.com, June 25, 2001.	
		"Alacritus Software and Rhapsody Networks to Develop Breakthrough Backup Solutions for Storage Networks: Companies to Provide First Network-Intelligent Virtual Tape Solution Resulting in Dramatic ROI, Increases in Data Backup Performance and Scalability" Alacritus Software, July 8, 2002.	
		Komiega, Kevin, "Vendor Pushes Disk Backup Over Tape" SearchStorage.com January 10, 2003.	
		"Testimonials" Alacritus Website, October 2003.	
		"Seamless Integration" Alacritus Website, October 2003.	
		"Topologies" Alacritus Website, October 7, 2003.	
		"Securitus" Alacritus Website, October 2003.	
		"Scalability: Securitus v. Tape" Alacritus Website, October 2003.	
		"Strengths: Securitus v. Tape " Alacritus Website, October 2003.	

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